MONTANA LEGISLATIVE HISTORY

Chapter 508 1979

Bill H 819 S _____ Original bill & history ✓c

H. Committee on Highways & Transp.		S. Committee on Highways & Transp.	
Hearing Date(s) _____	___C	Hearing Date(s) _____	___C
_____	___C	_____	___C
2/20	✓C	3/17	✓C
_____	___C	_____	___C
Date Out 2/20	✓C	out 3/17	✓

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

CHAPTER NO. 508

HOUSE BILL NO. 819

INTRODUCED BY GOULD, ROTH, IVERSON, WALDRON

IN THE HOUSE

February 15, 1979	Introduced and referred to Committee on Highways and Transportation.
February 20, 1979	Passed out of committee without recommendation.
February 21, 1979	Second reading, do pass as amended.
February 22, 1979	Correctly engrossed.
February 23, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Highways and Transportation.
March 19, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 21, 1979	Second reading, concurred in.
March 24, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 26, 1979	Returned from second house. Concurred in as amended.
	On motion consideration passed for the day.

March 30, 1979	Second reading, amendments adopted.
March 31, 1979	Third reading, amendments adopted. Sent to enrolling.
April 4, 1979	Correctly enrolled.
	Signed by President.
	Signed by Speaker.
April 5, 1979	Delivered to Governor.
April 9, 1979	Signed by Governor.
April 18, 1979	On motion bill returned to enrolling to correct clerical error.
	Reported correctly enrolled.

House BILL NO. 819

INTRODUCED BY Rotta Swanson Weldon

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCLUDE WITHIN THE DEFINITION OF 'BICYCLE' CERTAIN MOTORIZED BICYCLES; EXEMPTING BICYCLES FROM TAXATION; AND AMENDING SECTIONS 15-6-201, 61-1-102, 61-1-103, 61-1-105, 61-1-106, 61-1-123, AND 61-3-321, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 15-6-201, MCA, is amended to read:

"15-6-201. Exempt categories. (1) (a) The property of the United States, the state, counties, cities, towns, school districts, irrigation districts organized under the laws of Montana and not operating for profit, municipal corporations, public libraries; buildings, with land they occupy and furnishings therein, owned by a church and used for actual religious worship and for residences of the clergy, together with adjacent land reasonably necessary for convenient use of such buildings owned by a church; such other property as is used exclusively for agricultural and horticultural societies, for educational purposes, hospitals, and all property, both real and personal, without limitation as to amount except that real property owned shall not exceed 640 acres, owned and held by any association or corporation organized under Title 35, chapter 20 or 21, Cemeterias, provided such cemeteries and any land claimed to be exempt are not maintained and operated for private or corporate profit; institutions of purely public charity; evidence of debt secured by mortgages of record upon real or personal property in the state of Montana; and public art galleries and public observatories not used or held for private or corporate profit are exempt from taxation, but no more land than is necessary for such purpose is exempt.

(b) As used in this subsection, the term "institutions of purely public charity" includes organizations owning and operating facilities for the care of the retired or aged or chronically ill, which are not operated for gain or profit, and the terms "public art galleries" and "public observatories" mean only such art galleries and observatories, whether of public or private ownership, as are open to the public without charge or fee at all reasonable hours and are used for the purpose of education only.

(2) All household goods and furniture, including clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence are exempt from taxation.

(3) A truck canopy cover or topper weighing less than 300 pounds and having no accommodations attached is exempt from taxation.

(4) A bicycle, as defined in 61-1-123, used by the owner for personal transportation purposes is exempt from taxation."

Section 2. Section 61-1-102, MCA, is amended to read:

"61-1-102. Motor vehicle. ~~(1) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, excluding motorcycles.~~

~~(2) For 61-10-101 through 61-10-110, the term "motor vehicle" is defined in subsection (3).~~

~~(3) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.~~

~~(4) The word "motor vehicle" as used in 61-3-502 means automobiles, auto trucks, and motorcycles, propelled by their own power, used upon the public highways of the state.~~

~~(5) The term "motor vehicle" as used in part 4 of chapter 4 shall mean every self-propelled vehicle moving over the highways of this state, whether patented or unpatented.~~

~~(6) "Motor vehicle" means a self-propelled vehicle including without limitation an automobile, motorbus, motorcycle, truck, and truck tractor.~~

~~(7) The word "motor vehicle" as used in [this title] shall include trailers, semitrailers, automobiles, auto trucks, motorcycles, cycle motors, and all other vehicles propelled by their own power, used upon the public highways of the state, excepting steam or gas tractors, or self-propelled wheelchairs or similar vehicles operated by invalids.~~

~~(8) The term "motor vehicle" as used in 61-3-202 and 61-3-322 includes automobile, truck, motorcycle-type vehicle, and semitrailer, trailer and housetrailer.~~

~~(9) The words "motor vehicle" as used in chapters 3 and 4 shall include all vehicles which are self-propelled, except road rollers, traction engines, and railroad cars, farm tractors, and motorcars run upon stationery rails or tracks.~~

~~(10) "Motor vehicle", as used in part 1, chapter 6, means every self-propelled vehicle which is designed for use upon a highway, including trailers and semitrailers designed for use with such vehicles (except traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers), and every vehicle which is propelled by electric power obtained from overhead wires but not operated~~

upon rails.

(11) "Motor vehicle", as used in 61-3-711 through 61-3-733, means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. "Motor vehicle" means every vehicle propelled by its own power and designed primarily to transport persons or property upon the highways of the state, except that for the purpose of chapter 3, the term also includes trailers, semitrailers, and housetrailers. The term does not include a bicycle as defined in 61-1-123."

Section 3. Section 61-1-103, MCA, is amended to read:

"61-1-103. Vehicle. (1) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting except devices moved by human or animal power or used exclusively upon stationary rails or tracks. However, in chapters 3 and 4, the term means "motor vehicle" as defined in this part. The term does not include a bicycle as defined in 61-1-123.

(2) For 61-10-101 through 61-10-110, the term "vehicle" is defined in subsection (3).

(3) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(4) The term "vehicle" as used in chapters 3 and 4 shall include any motor vehicle as herein defined.

(5) "Vehicle", as used in 61-3-711 through 61-3-733, means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks."

Section 4. Section 61-1-105, MCA, is amended to read:

"61-1-105. Motorcycle. (1) "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

(2) "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

(3) The term "motorcycle" "Motorcycle" as used in chapters 3 and 4 shall mean means a motor vehicle having not more than three wheels in contact with the ground and a saddle on which the operator sits astride, or a platform on which he stands, and bicycles having a motor attachment thereto and a driving wheel in contact with the ground, in addition to the wheels of the vehicle itself, but a A motorcycle may carry one or more attachments and a seat for the conveyance of a passenger. The term does not include a

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tractor or a bicycle as defined in 61-1-123."

Section 5. Section 61-1-106, MCA, is amended to read:

"61-1-106. Motor-driven cycle. "Motor-driven cycle" means every motorcycle, including every motor scooter, with a motor which produces not to exceed 5 horsepower ~~and every bicycle with motor attached~~. The term does not include a bicycle as defined in 61-1-123."

Section 6. Section 61-1-123, MCA, is amended to read:

"61-1-123. Bicycle. "Bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 20 inches in diameter. The term includes a motorized bicycle with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding 50 cubic centimeters that produces no more than 2 brake horsepower and is capable of propelling the vehicle at a maximum design speed not exceeding 30 miles an hour on level ground."

Section 7. Section 61-3-321, MCA, is amended to read:

"61-3-321. Registration fees of vehicles -- public owned vehicles exempt from license or registration fees -- disposition of fees. (1) Registration or license fees shall be paid upon registration or reregistration of motor vehicles, trailers, housetrailers, and semitrailers in accordance with this chapter, as follows:

(a) motor vehicles weighing 2,850 pounds or under, other than motortrucks, $5;

(b) motor vehicles weighing over 2,850 pounds, other than motortrucks, $10;

(c) electrically driven passenger vehicles, $10;

(d) all motorcycles, $2;

(e) tractors and/or trucks, $10;

(f) buses shall be classed as motortrucks and licensed accordingly;

(g) trailers and semitrailers less than 2,500 pounds maximum gross loaded weight and housetrailers of all weights, $2;

(h) trailers and semitrailers over 2,500 up to 6,000 pounds maximum gross loaded weight, except housetrailers, $5;

(i) trailers and semitrailers over 6,000 pounds maximum gross loaded weight, $10;

(j) trailers used exclusively in the transportation of logs in the forest or in the transportation of oil and gas well machinery, road machinery, and bridge material exclusively, new and secondhand, and trailers used exclusively for the transportation of road machinery and bridge materials, shall pay a fee of $15 annually, regardless of size or capacity; ~~and~~

~~(k) bicycles with motor attachment, $1.~~

(2) All rates shall be 25% higher for motor vehicles, trailers, and semitrailers when not equipped with pneumatic tires.

(3) Tractors, as specified in this section, shall mean any motor vehicle except passenger cars used for towing a trailer or semitrailer.

(4) If any motor vehicle, housetrailer, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration or license fee for the remainder of such year shall be one-half of the regular fee above given.

(5) When a new plate is issued, an additional fee of $1 per year for each registration of a vehicle shall be added to the registration fee. Revenue from this fee shall be forwarded by the respective county treasurers to the state treasurer for deposit in the motor vehicle recording account of the earmarked revenue fund. Disbursements from the motor vehicle recording account shall be made by warrant drawn by the division.

(6) The provisions of this part with respect to the payment of registration fees shall not apply to or be binding upon motor vehicles, trailers or semitrailers, or tractors owned or controlled by the United States of America or any state, county, or city, but in all other respects the provisions of this section shall be applicable to and

binding upon motor vehicles, tractors, trailers, and semitrailers.

(7) The provisions of this section relating to the payment of registration fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317(1), 61-3-332(7), and 61-3-335.

(8) All fees, other than license fees, unless otherwise specifically provided, shall hereafter be deposited in, and paid into, the earmarked revenue fund and shall be used to pay all salaries, operating expenses, and all other expenses of the division, including the manufacturer and delivery of license plates. Any reference in this code to the motor vehicle recording fund or the motor vehicle administration fund shall be taken to mean the motor vehicle recording account in the earmarked revenue fund."

-End-

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HOUSE BILL 819 Rep. Tropila moved do not pass. After further discussion which included a request for further information from Mr. Hoovestal who said it was due to the time crunch that it was included under bicycle. It was suggested if Mr. Hoovestal and the Highway Patrol could come up with wording in the bill that would make a classification special for this vehicle and this could be put in as amendments on the floor the bill might be more acceptable. A roll call vote was taken on the motion of do not pass. The motion failed with 7 voting for (Feda, Keyser, Lien, Magone, Meyer, Rosenthal, Tropila) and two absent (Fabrega and Kanduch--Meyer had come and Kanduch left). Rep. Cooney moved that House Bill 819 come from committee with no recommendation. This motion carried with Rep. Feda voting no and the same absent.

HOUSE BILL 850 The $50 fine for littering was questioned--was it high? Mention was made that Oregon has a $200 fine as do a number of other states. Rep. Kropp moved do pass and this motion carried unanimously with those present (Rep. Fabrega absent, Rep. Kanduch had returned).

HOUSE BILL 780 Rep. Kanduch moved do pass and this motion carried unanimously with those present (same absent).

HOUSE BILL 778 Rep. Keyser moved do pass. The motion carried with Reps. Kropp, Wood and Rosenthal voting no and Rep. Fabrega absent.

HOUSE JOINT RESOLUTION 34 Rep. Ernst moved do pass. Motion carried unanimously with those present (Fabrega absent).

HOUSE JOINT RESOLUTION 43 Rep. Kropp moved do pass. Motion carried unanimously with those present (same absent).

HOUSE BILL 871 As the sponsor had not appeared on this bill, Rep. Tropila moved to table it and this motion carried with Rep. Cooney voting no.

The meeting adjourned at 1:30 p.m.

Respectfully submitted,

William R Baeth
WILLIAM R. BAETH, Chairman

Emelia A. Satre, Sec.

wasn't intended to be a companion bill. He said he didn't think this bill impaired any other bill that is before the committee. He said they don't intend to drop the project but will have to find the money someplace else.

KENNETH E. CLARK, Railroad Brotherhoods, said they knew of the problems but do support the concept of this bill.

TOM DOWLING, Montana Railroad Association, said Rep. Iverson had worked long and hard on this bill. He said tax exempt bonds and interest is a new ball game for this. He said no use having federal people get involved. He said the state of Montana can't exempt a loan that crosses a state line.

HOUSE BILL 850 REPRESENTATIVE MIKE COONEY, District 83, the chief sponsor, said this bill basically adds the word "paper" to the highway litter law and raises the fine from $10 to $50.

HOUSE BILL 819 REPRESENTATIVE BUD GOULD, District 98, the chief sponsor, said he felt this bill was timely considering the energy crisis. He didn't think this was something we could wait two years for.

KEN HOOVESTAL, Moped Association, said this is an amendment to the bicycle law to provide for the inclusion of motorized bicycles. He had a friend hold up a moped that was in the committee room as an exhibit. He said this bill would remove this unique vehicle from the motor vehicle laws. He said it would still be subject to all traffic laws and regulations. He passed out copies of suggested amendments and a copy of these is exhibit 2 and part of the minutes. He said ten speed bicycles go faster than mopeds and the pedals are important for a lot of reasons--to help start and to go up hills.

BRUCE PETERSON, Montana Motorcycle Dealers Association, said a moped is a motorized bicycle with a less than 50cc engine, goes 20 to 30 miles an hour, and about 175 miles to a gallon of gas. He said it was different than a motorcycle and safer than a bicycle. He said it has a full tail light, head light, horn, proper reflectors. He said they are very popular in Europe.

ED L. BEZANSON, House of Kawasaki, explained how the moped works. He said it has to be pedaled to get going, and you can pedal it faster than it will go on its own.

LARRY JOHNSON, Helena, felt a moped should not be classified as a bicycle but have a classification of its own.

RONALD POGUE, speaking for self, opposed the bill. He said there is a clear distinction between human powered and motorized vehicles. A copy of his testimony is exhibit 3 and part of the minutes.

LARRY MAJERUS, Motor Vehicle Division, said they do not object to defining a moped in the law but have a problem with defining it as a bicycle. He said the speed is designed and it could be tampered with to make it go faster. He said local bicycle paths that are

partly federally funded would be restricted as they will not permit any type of motorized vehicles. He said a driver's license is required and they would support that.

DUANE TOOLEY, Montana Highway Patrol, said they are concerned about this bill. He didn't think the amendments provide for the endorsement. He said turn signals should be required for motor vehicles.

Rep. Gould in closing said the moped would come under any city stickers and would pay that type of tax. He said the moped is more bicycle than motorcycle and he felt it important that it be so categorized.

During questions it was brought out that the moped on display would cost about $300, while a small Honda would be about $490.

HOUSE BILL 780 REPRESENTATIVE JOE BRAND, District 28, the chief sponsor, read his testimony and a copy of it is exhibit 4 and part of the minutes.

KENNETH E. CLARK, Railroad Brotherhood, said this puts the rail planning activites in the Department of Highways.

TOM DOWLING, Montana Railroad Association, said we need a state plan if we are going to get any funds that are available.

In closing Rep. Brand said they had met with the Highway Department and the railroad companies because they feel this is a crucial thing --branch line servicing.

RON RICHARDS, Department of Highways, in response to a question, that this extra duty would be absorbed within the department. Mr. Beck responded to a question that they have been doing this on executive order already.

HOUSE JOINT RESOLUTION 34 REPRESENTATIVE DANNY OBERG, District 8, the chief sponsor, said this bill requests Congress to keep both AMTRAK lines operating in Montana. Rep. Oberg said there is adequate reason to keep both lines, and both lines are running at a profit but accounting has hurt our line.

JIM MULAR, Amtrak employee, spoke in support saying our lines are money makers but due to the accounting method--a commuter line was absorbed and added into the accounting--it shows a loss. He said prior to the coming of Amtrak both lines were money makers. He felt we should urge our congressional delegation to try to retain both lines.

TOM DOWLING, Montana Railroad Association, said they support the bill.

RONALD POGUE, AERO, said they support the bill and a copy of his testimony is exhibit 5 and part of the minutes.

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

March 17, 1979

The Twenty-sixth meeting of the Highways and Transportation Committee was called to order by the Chairman, Senator Mark Etchart, in Room 410 of the State Capitol Building at 1:00 p.m., on March 17, 1979.

ROLL CALL: All members were present with the exception of Senator Manning.

CONSIDERATION OF HOUSE BILL 15: Representative Quilici, Chief Sponsor of HB 15, told the committee this is an act to amend Section 69-14-311, to revise and clarify the procedures for revision of classifications, rates, and rules of service by railroads. This is a bill that will require railroads to submit, at the time of filing for tariff's, justification for rate increases. He introduced Wayne Budt, PSC, to the committee.

Wayne Budt, Public Service Commission, said the Commission has 120 days from date of filing to make a final decision on a requested railroad rate increase. By filing justification with the new tariff pages, the Commission, Consumer Counsel, Department of Agriculture, various shipping organizations and other parties will have time to analyze and request additional data which is deemed necessary. Under the present statute, there is no justification filed until 45 to 60 days after the 120 day period has started to run.

After the justification is received, the material must be analyzed and any data requests submitted to the railroads. This will usually take a minimum of 45 days. The hearing should have a 30 day notice, which means that the hearing must be set before the data requests are even answered. The matter must then be heard, transcripts, briefs, late filed exhibits analyzed, and a decision made in 20-25 days.

The Commission feels that these proposed changes will provide all interested parties a chance to fully analyze any proposed rail increases and will result in a more orderly handling of these matters.

The other part of this proposed bill will require that the new tariff pages be filed 45 days before the effective date. This will provide time for the Commission to analyze the tariff pages and present a notice to the public in an orderly manner. The present statute requires 30 days, and this Commission attempts to give 30 day notice to the public of the proposed increases. The present increase before this Commission arrived on March 5, 1979, with an effective date of April 5th.

that opposition will be, and to formulate a response to the opponent. This is a make-work requirement as, on occasion, there will be no opposition. In addition, the requirement is not reciprocal. It is not imposed upon opponent of proposed tariffs. At present, the Commission will suspend a proposed tariff if one individual indicates that he is opposed. There is no requirement that the opponent show how his interests are affected, how the tariff is unlawful or his reason for opposition. It is unfair to impose this requirement on the railroads, given the current practice of the PSC in suspending tariffs upon any indication of opposition.

Currently, the PSC suspends almost every tariff filed. There is no necessity, given this practice, of increasing the time period during which this may occur. The bill does not serve the interest of rational decision making because it attempts only to impose greater burdens on railroads without revising the current PSC procedure with regard to tariffs.

Chairman Etchart asked if there were any questions from the Committee:

Senator Hager asked Mr. Opitz if they have any objections to lowering rates.

Mr. Opitz said No.

Mr. Budt informed the committee that the commission is charged to see that there is not any undue compitition among rates. On lowering of a rate from a certain point, a company will come in and get a rate for a certain volumn. We have not seen very many rate reductions on the railroad.

Senator Etchart asked Mr. Budt, If there are not protestors, would it require less justification on the part of the railroad. Is there a difference on the workload.

Mr. Budt said No, I don't think so, they are going to have to justify the rate increase. The workload is the same. I don't foresee any differences in the amount of justification.

In Closing, Representative Quilici said that all this bill does is see that when the railroads ask for rate increases, they submit data. I think it is a good bill. I think it should be passed.

There being no further proponents, opponents, or questions, the hearing on HB 15 was closed.

CONSIDERATION OF HOUSE BILL 819: Representative Gould, is the Chief Sponsor of House Bill 819. He told the committee this is a act to include within the definition of 'bicycle'

certain motorized bicycles; exempting bicycles from taxation. He said there is a great deal of misunderstanding as to what a Moped actually is. The common misconception is that it is a small motorcycle while in fact it is nothing more than a bicycle type vehicle with a small motor. Todays moped has many of the characteristics and performance capabilities of a regular bicycle, but with the addition of a great deal of federally mandated safety equipment and a small motor which can combine its power with pedal power. (Refer to the definition on Page 7 of HB 819.)

The purpose of this bill is to define a very unique vehicle and to establish operating regulations consistant with the low performance and simple operation and to clarify the role of the Moped as an integral part of the American transportation system. A Moped is actually simpler to operate than the ten-speed bicycle.

In this time of fuel shortages, the use of mopeds should be encouraged. A typical moped is capable of fuel economy of up to 175 miles per gallon.

A moped is the ideal way to avoid downtown traffic and parking congestion.

Independant surveys list the average moped owner at 41 years of age.

Senior citizens use mopeds as means to take a motorized "stroll"through the countryside or to just plain go visiting.

Moped use has greatly increased in states that provide a law similar to HB 819.

No state requires a motorcycle endorsement on the drivers license.

40 States now have laws similar to HB 819.

The non-taxing provision encourages moped use rather than motorcycle use.

Local permits required on Bicycles would also apply to Mopeds.

Chairman Etchart asked if there were any other proponents to HB 819.

Ken Hoovestol, Moped Association of American, Billings, MT., passed out two exhibits to the committee "C" & "D".

Exhibit "C" are his proposed amendments to HB 819:

Page 1, line 6 , Reinsert the words "EXEMPTING BICYCLES FROM TAXATION". Page 1, lines 11 through 25 and lines 1 through 25 on page 2 and lines 1 through 6 on page 3; Reinsert this entire section. Page 12, line 3, after "license" strike "with a motorcycle endorsement".

He also passed out "D", a brochure on the Moped and went over this briefly with the committee.

Chairman Etchart asked if there were any other proponents to HB 819.

Larry Johnson, Helena, representing self, told the committee that as a parent, he thought the concept of this bill has some important contributions. My son and his friends are at a troublesome age. Some form of transportation is a necessity in a city like Helena, and I view this bill as being very useful, especially when my son comes to me asking for a motorcycle. I prefer a moped over a used car or a motorcycle. There is an enormous amount of fuel being used by kids going back and forth to school. The importance of this bill is to see kids out of used cars and motorcycles. This bill will give the parents a little more leverage.

Chairman Etchart asked if there were any other proponents to HB 819.

D. B. Tooley, Montana Highway Patrol, said they are neutral on House Bill 819. But, he spoke on the motorcycle endorsement. He told the committee this was established by the legislature as a means of teaching 4-wheel drivers the difference of what they are doing on a 2-wheel vehicle. There is a difference. You have to treat the traffic scene in a different manner. We will not feel badly which way the committee goes with the bill.

Chairman Etchart asked if there were any opponents to HB 819.

Ronald Pogue, Alternative Energy Resources Organization, said this bill attempts to include the definition of a moped in the definition of a bicycle, thus giving it the privileges of bicycles, but also (see Section 7(4)) gives exemptions for mopeds to the laws that apply to bicyclists. We would like to go on record as opposing this bill. We oppose Page 11, Section 3, where a moped can ride on bike paths. We do not want to compete with people on motorized vehicles.We are against including them in the subsection of bikes. We could pass a law that says mopeds could not ride on a bike path. I would like to see a tax on bikes. Many local governments pay fees. They use this towards facilities to help bike ways. I would like to see small state tax on bikes for bike ways. There is no way this bill will affect a kid getting a moped.

Chairman Etchart asked if there were any questions from the Committee:

Senator Kolstad asked Mr. Pogue if he thought we would have money to build bike way for mopeds.

Mr. Pogue, said no.

Senator Graham asked what the difference between a good 10 speed bike and moped is?

Representative Gould said a moped sells for a little over $300. A good 10-speed bike costs between $200-$250.

Senator Kolstad asked Major Tooley if the mopeds could be a menace on bike paths.

Major Tooley said they would be a problem in areas where they could go up hills. It could lead to difficulty.

Senator Kolstad asked how many mopeds are in the state.

Mr. Hoovestol, said very few. In talking with other states, once the bill passes the use increases tremendously. 40 states now have this law.

There being no further questions, the hearing on HB 819 was closed.

CONSIDERATION OF HOUSE JOINT RESOLUTION 45: This resolution was sponsored by the House Natural Resources Committee. Representative Sheldon was present and told the committee it is a joint resolution of the Senate and the House of Representatives of the State of Montana urging the United States Interstate Commerce Commission to revise rail freight rates so as not to discriminate against recycled materials.

He told the committee that one of the major complaints he receives is one involving recycling. Their complaint being there would be more recycling if the freight rates were not so high. With that, I introduce Representative Harper who has more information on that part of the problem than I do.

Representative Harper introduce Exhibit "E", and read it to the committee. "We urge support of House Joint Resolution 45 recommending the Interstate Commerce Commission to correct rail freight rates to avoid discriminating against secondary materials transport. The firm of Robert Peccia and Associates is doing a number of solid waste management studies, including resource recovery alternatives, throughout Montana. Improved freight rates will substantially improve the feasibility of secondary materials recycling. We believe the concept is worthy of support, and would appreciate your support of the resolution." In Seattle, Recycled glass is worth $33 a ton. The freight rates from Montana cost $48 per ton. So, there is one of the prime examples. To ship iron scrap costs 2½ times as much as iron ore is worth. We are pleading with the ICC to take a look at some of these things.

There being no further proponents, opponents or questions from the committee the hearing on HJR 45 was closed.

In closing, Representative Sivertsen told the committee in regard to the fuel savings he thought the federal government was not addressing the problem objectively. He said he thought there was some controlling power in Washington D.C. that is not allowing this to be done. I talked to Congressman Howard, New Jersey, who is the Chairman of Highways and Transportation and we talked about these things. He was not giving me any answers. I kept questioning him about this and asked why there was not more being done. Finally, he got tired and just said there is one thing you better come to realize and that is, that the oil companies are larger than the United States. Well, I say, is this not the reason we should do something. They are not addressing this question. It is interesting to note that before we had the speed limit imposed on us in 1975, the average miles per hour was between 63 and 65. So, the 55 miles per hour speed limit has not made that much difference. The average is about 60 miles per hour now. I ask that you give me some support on this thing. Let's let the U. S. Congress know about our problems and I think they need to be pursued.

Senator Etchart asked Representative Sivertsen about the timing of this resolution.

Representative Sivertsen again stated that the resolution is merely urging the Congress to look at the problem and we would hope there would be some hearings to come about. I don't think we know what is going on, there is fuel. I want to take and force the U. S. Congress to level with the people.

Senator Graham asked Representative Sivertsen if he really thought someone had a carburetor that uses less gas.

Representative Sivertsen said yes. There is one on test since 1975. The California law will not allow its use, except on test vehicles. This carburetor has passed the emission control requirements. There are 1,800 parts in it versus 360. He is going to have it in mass production in six months.

There being no further questions, the hearing on HJR 50 was closed.

ACTION ON HOUSE BILL 819:

Senator Hager made the motion to concur in the following amendments to House Bill 819:

1. Title, line 6
Following: "~~TAXATION~~,"
Insert: "EXEMPTING BICYCLES FROM TAXATION"

2. Title, line 7.
Following: "~~15-6-201~~,"
Insert: "15-6-201,

3. Page 1, lines 11 through 25 and lines 1 through 25 on page 2 and lines 1 through 6 on page 3.

Reinsert: Section 1 in it's entirety

4. Page 12, line 3
Following: "license"
Strike: "with a motorcycle endorsement"

The committee voted unanimously to concur in the amendments to House Bill 819. The motion passed.

Senator Graham made the motion that House Bill 819 as Amended Be Concurred In. The committee voted unanimously that HB 819 as Amended Be Concurred In. The motion carried. Senator Etchart will carry on the floor of the Senate.

ACTION ON HOUSE JOINT RESOLUTION 45: Senator Hager made the motion that HJR 45 Be Concurred in. The committee voted unanimously that HJR 45 Be Concurred In. The motion carried. Senator Hager will carry on the floor of the Senate.

ACTION ON HOUSE JOINT RESOLUTION 50: Senator Graham made the motion that HJR 50 Be Not Concurred In. A roll call vote was called with with four Senator's voting Yes and two Senator's voting No. The motion carried. Senator Etchart will carry on the floor of the Senate.

ACTION ON HOUSE BILL 778: Senator Graham made the motion that HB 778 Be Concurred In. The committee voted unanimously that HB 778 Be Concurred In. The motion carried.

OTHER BUSINESS: There being no other business the meeting was adjourned.

Mark Etchart
SENATOR MARK ETCHART, CHAIRMAN

cf

3-17

ROLL CALL

Highways COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Mark Etchart, Chairman	✓		
Tom Hager, Chairman	✓		
Frank W. Hazelbaker	✓ Late		
Allen C. Kolstad	✓		
Carroll A. Graham	✓		
Dave Manning			
John E. Healy (Jack)	✓		

Each Day Attach to Minutes.

SENATE

Sen. Mark Etchart
Helena, Montana

IN SUPPORT OF HB-819

There is a great deal of misunderstanding as to what a Moped actually is. The common misconception is that it is a small motorcycl while in fact it is nothing more than a bicycle type vehicle with a small motor. Todays moped has many of the characteristics and performance capabilities of a regular bicycle, but with the addition of a great deal of federally mandated safety equipment and a small motor which can combine its power with pedal power.

(Refer to the definition on page 7 of HB-819)

The purpose of this bill is to define a very unique vehicle and to establish operating regulations consistant with the low performance and simple operation and to clarify the role of the Moped as an integral part of the American transportation system. A Moped is actually simpler to operate than the ten-speed bicycle.

In this time of fuel shortages, the use of mopeds should be encouraged. A Typical moped is capable of fuel economy of up to 175 miles per gallon.

A moped is the ideal way to avoid downtown traffic and parking congestion.

Independant surveys list the average moped owner at 41 years of age.

Senior citizens use mopeds as means to take a motorized "stroll" through the countryside or to just plain go visiting.

Moped use has greatly increased in states that provide a law similier to HB-819.

No state requires a motorcycle endorsement on the drivers license.

40 states now have laws similier to HB-819.

The non-taxing provision encourages moped use rather than motorcycle use.

Local permits required on Bicycles would also apply to Mopeds.

HOUSE BILL NO. 819

INTRODUCED BY GOULD, ROTH, IVERSON, WALDRON

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCLUDE WITHIN THE DEFINITION OF 'BICYCLE' CERTAIN MOTORIZED BICYCLES; ~~EXEMPTING BICYCLES FROM TAXATION;~~ EXEMPTING BICYCLES FROM TAXATION AND AMENDING SECTIONS ~~15-6-201,~~ 15-6-201, 61-1-102, 61-1-103, 61-1-105, 61-1-106, 61-1-123, AND 61-3-321, AND 61-8-605, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

~~Section 1. Section 15-6-201, MCA, is amended to read:~~

~~"15-6-201. Exempt categories. (1) (a) The property of the United States, the state, counties, cities, towns, school districts, irrigation districts organized under the laws of Montana and not operating for profit, municipal corporations, public libraries, buildings, with land they occupy and furnishings therein, owned by a church and used for actual religious worship and for residences of the clergy, together with adjacent land reasonably necessary for convenient use of such buildings owned by a church, such other property as is used exclusively for agricultural and horticultural societies for educational purposes, hospitals, and all property, both real and personal, without limitation as to amount except that real property owned shall not exceed 640 acres, owned and held by any association or corporation organized under Title 35, chapter 20 or 21, Cemeteries, provided such cemeteries and any land claimed to be exempt are not maintained and operated for private or corporate profit; institutions of purely public charity; evidence of debt secured by mortgages of record upon real or personal property in the state of Montana; and public art galleries and public observatories not used or held for private or corporate profit are exempt from taxation, but no more land than is necessary for such purpose is exempt.

(b) As used in this subsection, the term "institutions of purely public charity" includes organizations owning and operating facilities for the care of the retired or aged or chronically ill, which are not operated for gain or profit, and the terms "public art galleries" and "public observatories" mean only such art galleries and observatories, whether of public or private ownership, as are open to the public without charge or fee at all reasonable hours and are used for the purpose of education only.

(2) All household goods and furniture, including clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or

REFERENCE BILL

~~equipping the family residence are exempt from taxation.~~

~~(3) A truck canopy cover or topper weighing less than 300 pounds and having no accommodations attached is exempt from taxation.~~

~~(4) A bicycle, as defined in 61-1-123, used by the owner for personal transportation purposes is exempt from taxation.~~"

SECTION 1. SECTION 15-6-201, MCA, IS AMENDED TO READ:

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private or corporate profit; institutions of purely public charity; evidence of debt secured by mortgages of record upon real or personal property in the state of Montana; and public art galleries and public observatories not used or held for private or corporate profit are exempt from taxation, but no more land than is necessary for such purpose is exempt.

(b) As used in this subsection, the term "institutions of purely public charity" includes organizations owning and operating facilities for the care of the retired or aged or chronically ill, which are not operated for gain or profit, and the terms "public art galleries" and "public observatories" mean only such art galleries and observatories, whether of public or private ownership, as are open to the public without charge or fee at all reasonable hours and are used for the purpose of education only.

(2) All household goods and furniture, including clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence are exempt from taxation.

(3) A truck canopy cover or topper weighing less than 300 pounds and having no accommodations attached is exempt from taxation.

(4) A bicycle, as defined in 61-1-123, used by the owner for personal transportation purposes is exempt from taxation."

Section 2. Section 61-1-102, MCA, is amended to read:

"61-1-102. Motor vehicle. (1)--"Motor--vehicle"--means every--vehicle--which--is--self-propelled--and-every-vehicle which-is-propelled-by-electric-power-obtained-from--overhead trolley---wires--but--not--operated--upon--rails,--excluding motorcycles.

(2)--For-61-10-101-through-61-10-110,-the--term--"motor vehicle"--is-defined-in-subsection-(3).

(3)--"Motor--vehicle"--means--every--vehicle--which--is self-propelled-and--every--vehicle--which--is--propelled--by electric--power-obtained-from-overhead-trolley-wires-but-not operated-upon-rails.

(4)--The-word-"motor-vehicle"-as-used-in-61-3-502-means automobiles,-auto--trucks,--and--motorcycles,--propelled--by their-own-power,-used-upon-the-public-highways-of-the-state.

(5)--The--term--"motor--vehicle"--as--used-in-part-4-of chapter-4-shall-mean--every--self-propelled--vehicle--moving over--the--highways--of--this--state,--whether--patented--or unpatented.

(6)--"Motor-vehicle"--means--a--self-propelled--vehicle including---without---limitation--an--automobile,--motorbus, motorcycle,-truck,-and-truck-tractor.

(7)--The-word-"motor-vehicle"-as-used-in--[this--title] shall--include--trailers,--semitrailers,--automobiles,--auto trucks,-motorcycles,-cycle-motors,-and--all--other--vehicles propelled--by-their-own-power,-used-upon-the-public-highways of--the--state,--excepting--steam--or---gas---tractors,---or self-propelled--wheelchairs--or-similar-vehicles-operated-by invalids.

(8)--The-term-"motor-vehicle"-as-used-in--61-3-202--and 61-3-322---includes---automobile,---truck,---motorcycle-type vehicle,-and-semitrailer,-trailer-and-housetrailer.

(9)--The-words-"motor-vehicle"-as-used--in--chapters--3 and--4--shall-include-all-vehicles-which-are-self-propelled, except-road-rollers,-traction-engines,--and--railroad--cars, farm--tractors,--and--motorcars-run-upon-stationary-rails-or tracks.

(10)-"Motor-vehicle",-as-used-in--part--1,--chapter--6, means-every-self-propelled-vehicle-which-is-designed-for-use upon-a-highway,-including-trailers-and-semitrailers-designed for--use--with--such-vehicles-(except-traction-engines,-road rollers,-farm-tractors,-tractor-cranes,-power--shovels,--and well--drillers)--and--every--vehicle--which--is-propelled-by electric-power-obtained-from-overhead-wires-but-not-operated upon-rails.

(11)-"Motor--vehicle",--as--used--in--61-3-711--through 61-3-733,--means--every--vehicle-which-is-self-propelled-and

~~every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.~~ "Motor vehicle" means every vehicle propelled by its own power and designed primarily to transport persons or property upon the highways of the state, except that for the purpose of chapter 3, the term also includes trailers, semitrailers, and housetrailers. The term does not include a bicycle as defined in 61-1-123."

Section 3. Section 61-1-103, MCA, is amended to read:

"61-1-103. Vehicle. ~~(1)~~ "Vehicle" means every device in, upon, or by which any person or property ~~is or~~ may be transported or drawn upon a public highway, ~~excepting~~ except devices moved by human or animal power or used exclusively upon stationary rails or tracks. However, in chapters 3 and 4, the term means "motor vehicle" as defined in this part. The term does not include a bicycle as defined in 61-1-123.

~~(2) For 61-10-101 through 61-10-110, the term "vehicle" is defined in subsection (3).~~

~~(3) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.~~

~~(4) The term "vehicle" as used in chapters 3 and 4 shall include any motor vehicle as herein defined.~~

~~(5) "Vehicle", as used in 61-3-711 through 61-3-733,~~

~~means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.~~"

Section 4. Section 61-1-105, MCA, is amended to read:

"61-1-105. Motorcycle. ~~(1) "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.~~

~~(2) "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.~~

~~(3) The term "motorcycle"~~ "Motorcycle" ~~as used in chapters 3 and 4 shall mean~~ means a motor vehicle having not more than three wheels in contact with the ground and a saddle on which the operator sits astride, or a platform on which he stands, ~~and bicycles having a motor attachment thereto~~ and a driving wheel in contact with the ground, in addition to the wheels of the vehicle itself, ~~, but a~~ A motorcycle may carry one or more attachments and a seat for the conveyance of a passenger. The term does not include a tractor or a bicycle as defined in 61-1-123."

Section 5. Section 61-1-106, MCA, is amended to read:

"61-1-106. Motor-driven cycle. "Motor-driven cycle"

means every motorcycle, including every motor scooter, with a motor which produces not to exceed 5 horsepower~~,--and--every bicycle--with--motor--attached~~. The term does not include a bicycle as defined in 61-1-123."

Section 6. Section 61-1-123, MCA, is amended to read:

"61-1-123. Bicycle. "Bicycle" means:

(1) every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 20 inches in diameter~~;~~ OR ~~The term includes a motorized bicycle with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding 50 cubic centimeters that produces no more than 2 brake horsepower and is capable of propelling the vehicle at a maximum design speed not exceeding 30 miles an hour on level ground~~.

(2) EVERY DEVICE EQUIPPED WITH TWO OR THREE WHEELS, FOOT PEDALS TO PERMIT MUSCULAR PROPULSION AND AN INDEPENDENT POWER SOURCE PROVIDING A MAXIMUM OF TWO BRAKE HORSEPOWER. IF A COMBUSTION ENGINE IS USED, THE MAXIMUM PISTON OR ROTOR DISPLACEMENT MAY NOT EXCEED 3.05 CUBIC INCHES (50 CENTIMETERS) REGARDLESS OF THE NUMBER OF CHAMBERS IN THE POWER SOURCE. THE POWER SOURCE MUST NOT BE CAPABLE OF PROPELLING THE DEVICE, UNASSISTED, AT A SPEED EXCEEDING 30 MILES AN HOUR (48.28 KILOMETERS AN HOUR) ON A LEVEL SURFACE. THE DEVICE MUST BE EQUIPPED WITH A POWER DRIVE SYSTEM THAT

FUNCTIONS DIRECTLY OR AUTOMATICALLY ONLY AND DOES NOT REQUIRE CLUTCHING OR SHIFTING BY THE OPERATOR AFTER THE DRIVE SYSTEM IS ENGAGED."

Section 7. Section 61-3-321, MCA, is amended to read:

"61-3-321. Registration fees of vehicles -- public owned vehicles exempt from license or registration fees -- disposition of fees. (1) Registration or license fees shall be paid upon registration or reregistration of motor vehicles, trailers, housetrailers, and semitrailers in accordance with this chapter, as follows:

(a) motor vehicles weighing 2,850 pounds or under, other than motortrucks, $5;

(b) motor vehicles weighing over 2,850 pounds, other than motortrucks, $10;

(c) electrically driven passenger vehicles, $10;

(d) all motorcycles, $2;

(e) tractors and/or trucks, $10;

(f) buses shall be classed as motortrucks and licensed accordingly;

(g) trailers and semitrailers less than 2,500 pounds maximum gross loaded weight and housetrailers of all weights, $2;

(h) trailers and semitrailers over 2,500 up to 6,000 pounds maximum gross loaded weight, except housetrailers, $5;

(i) trailers and semitrailers over 6,000 pounds maximum gross loaded weight, $10;

(j) trailers used exclusively in the transportation of logs in the forest or in the transportation of oil and gas well machinery, road machinery, and bridge material exclusively, new and secondhand, and trailers used exclusively for the transportation of road machinery and bridge materials, shall pay a fee of $15 annually, regardless of size or capacity;~~.~~

~~(k)--bicycles-with-motor-attachments-$1.~~

(2) All rates shall be 25% higher for motor vehicles, trailers, and semitrailers when not equipped with pneumatic tires.

(3) Tractors, as specified in this section, shall mean any motor vehicle except passenger cars used for towing a trailer or semitrailer.

(4) If any motor vehicle, housetrailer, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration or license fee for the remainder of such year shall be one-half of the regular fee above given.

(5) When a new plate is issued, an additional fee of $1 per year for each registration of a vehicle shall be added to the registration fee. Revenue from this fee shall be forwarded by the respective county treasurers to the

state treasurer for deposit in the motor vehicle recording account of the earmarked revenue fund. Disbursements from the motor vehicle recording account shall be made by warrant drawn by the division.

(6) The provisions of this part with respect to the payment of registration fees shall not apply to or be binding upon motor vehicles, trailers or semitrailers, or tractors owned or controlled by the United States of America or any state, county, or city, but in all other respects the provisions of this section shall be applicable to and binding upon motor vehicles, tractors, trailers, and semitrailers.

(7) The provisions of this section relating to the payment of registration fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317(1), 61-3-332(7), and 61-3-335.

(8) All fees, other than license fees, unless otherwise specifically provided, shall hereafter be deposited in, and paid into, the earmarked revenue fund and shall be used to pay all salaries, operating expenses, and all other expenses of the division, including the manufacturer and delivery of license plates. Any reference in this code to the motor vehicle recording fund or the motor vehicle administration fund shall be taken to mean the motor vehicle recording account in the earmarked revenue

fund."

SECTION 8. SECTION 61-8-605, MCA, IS AMENDED TO READ:

"61-8-605. Riding on roadways and bicycle paths. (1) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(2) Persons riding bicycles upon a roadway shall ride in single file except on paths or parts of roadways set aside for the exclusive use of bicycles. A person riding a bicycle may overtake and pass another bicycle when safe to do so and when other traffic is not obstructed by so doing.

(3) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. A person riding a bicycle defined in 61-1-123(2) is excluded from the provisions of this subsection when such bicycle is prohibited from using such paths.

(4) A bicycle, as defined in 61-1-123(2), is excluded from the provisions of subsections (1) and (2)."

SECTION 9. THERE IS A NEW MCA SECTION THAT READS:

License required for bicycle. A person operating a bicycle defined in 61-1-123(2) shall have in his possession at all times when operating the bicycle a valid Montana driver's license ~~with a motorcycle endorsement~~.

-End-

Please insert this page in original for copy HB819

Corrected

REFERENCE BILL

HB 819